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6                   UNITED STATES DISTRICT COURT  
7                   EASTERN DISTRICT OF WASHINGTON  
8

9                   BRIAN DAVIS,  
10

11                   Plaintiff,  
12

13                   v.  
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15                   CAROLYN W. COLVIN,  
16                   Commissioner of Social Security,  
17

18                   Defendant.

19                   No. 1:14-CV-3182-JTR  
20

21                   ORDER GRANTING STIPULATED  
22                   MOTION FOR REMAND PURSUANT  
23                   TO SENTENCE SIX OF 42 U.S.C. §  
24                   405(g)  
25

26                   BEFORE THE COURT is the parties' Stipulated Motion for Remand of  
27                   the above-captioned matter to the Commissioner for additional administrative  
28                   proceedings, including a *de novo* hearing, pursuant to Sentence Six of 42 U.S.C. §  
1:14-CV-3182-JTR  
405(g). ECF No. 28. Attorney D. James Tree represents Plaintiff; Special  
Assistant United States Attorney Martha A. Boden represents Defendant. The  
parties have consented to proceed before a magistrate judge. ECF No. 6.

2:14-CV-3182-JTR  
Plaintiff filed his complaint in this matter on November 26, 2014. ECF No.

3:14-CV-3182-JTR  
1. Defendant filed an answer to the complaint, ECF No. 10, and a briefing  
4:14-CV-3182-JTR  
schedule has been established. The parties, however, have yet to submit briefing in  
5:14-CV-3182-JTR  
this matter. Based on a previous declaration by Plaintiff's counsel, ECF No. 26, it  
6:14-CV-3182-JTR  
appears supplemental evidence has recently been admitted to the record, and, based  
7:14-CV-3182-JTR  
on that supplementation, a remand pursuant to Sentence Six is necessary.

8:14-CV-3182-JTR  
ORDER GRANTING STIPULATED MOTION TO REMAND . . . - 1

After considering the file and proposed order, the Court finds good cause exists for the matter to be remanded, pursuant to Sentence Six, for a *de novo* hearing and new decision. Accordingly,

## **IT IS ORDERED:**

1. The Defendant's Motion For Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g), ECF No. 28, is GRANTED.

7       2. The above-captioned case is **REVERSED** and **REMANDED** to the  
8 Commissioner of Social Security for further administrative proceedings, including  
9 a *de novo* hearing, pursuant to sentence six of 42 U.S.C. § 405(g), and a new  
10 decision. On remand, the administrative law judge (ALJ) shall reassess the  
11 severity of Plaintiff's impairments, including his traumatic brain injury and PTSD  
12 in light of the VA disability rating decision, and develop the record accordingly.  
13 The ALJ will also reevaluate Plaintiff's residual functional capacity assessment  
14 and reassess steps four and five of the sequential evaluation process with the  
15 assistance of a vocational expert, if necessary. Plaintiff will be allowed to testify  
16 and present additional evidence at a new hearing.

17       3. The Court shall maintain jurisdiction of this action pursuant to 42  
18 U.S.C. § 405(g). If the outcome is still unfavorable to Plaintiff, he may seek  
19 judicial review by reinstating this case rather than by filing a new complaint.

The District Court Executive is directed to enter this Order, forward copies of the Order to counsel, and **ADMINISTRATIVELY CLOSE THE FILE**.

DATED October 6, 2015.



*M*  
JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE